IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28935 of 2008
JITENDRA SINGH @ GULLI SINGH
Versus
STATE OF BIHAR
----

2. **4.8.2008** Heard.

The petitioner is not named in the FIR in a case under Section 302 IPC and the petitioner's own confession is material against him.

The rejection order passed by the learned Sessions Judge concedes that the confessional statement could not have any value in the eyes of law but still the prayer was dismissed merely because the learned Judge found that 15 days could not be sufficient time for collecting the material against the petitioner.

This court has failed in reconciling whether the petitioner is in custody since 5.5.2008 as per submission or only from15 days prior to the passing of the rejection order by the learned Judge. Whims of a Judge is ante-thesis to doing justice and justice could be done with objectivity, which could be by proper reading of the material without allowing the personal sentiment and opinion to come into play. The learned Judge appears not caring for the personal liberty of a person which is a fundamental right of a person. Liberties could not be snatched at the whims of a Judge.

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Let the above named petitioner be released from custody on furnishing bond of Rs.3,000/-(three thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in Bhagwanpur P.S.Case no.18 of 2008.

(Dharnidhar Jha, J.)

B.Kr.